

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 954

Introduced by Assembly Member Jones

February 26, 2009

An act to add Section 12929.5 to the Insurance Code, relating to the Insurance Commissioner.

LEGISLATIVE COUNSEL'S DIGEST

AB 954, as amended, Jones. Insurance commissioner: regulations.

Existing law authorizes the Insurance Commissioner to adopt regulations to facilitate the acceptance of documents submitted for filing or approval, the processing of transactions, and the maintenance of records.

This bill would state that ~~the commissioner may not adopt a rule, regulation, or standard without complying with other provisions of law specifying the procedures for administration rule and regulation making, unless the specified exception for technical or ministerial rules, regulations, or insurance standards applies, the commissioner shall use the Administrative Procedures Act when adopting a rule, regulation, or insurance standard that is recommended by the National Association of Insurance Commissioners, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12929.5 is added to the Insurance Code,
2 to read:

1 ~~12929.5. The commissioner may not adopt a rule, regulation,~~
2 ~~or insurance standard without complying with the Administrative~~
3 ~~Procedures Act (Chapter 3.5 (commencing with Section 11340)~~
4 ~~of Part 1 of Division 3 of Title 2 of the Government Code).~~

5 12929.5. (a) *Except as provided in subdivision (b), the*
6 *commissioner shall use the Administrative Procedures Act (Chapter*
7 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*
8 *Title 2 of the Government Code) when adopting a rule, regulation,*
9 *or insurance standard that is recommended by the National*
10 *Association of Insurance Commissioners (NAIC).*

11 (b) *Subdivision (a) does not apply to the adoption of a technical*
12 *or ministerial rule, regulation, or insurance standard that is*
13 *recommended by the NAIC. However, if a technical or ministerial*
14 *rule, regulation, or insurance standard that is recommended by*
15 *the NAIC is adopted by the commissioner without using the*
16 *Administrative Procedures Act, then that rule, regulation, or*
17 *insurance standard shall be posted on the department's Internet*
18 *Web site.*